

In The United States Patent and Trademark Office

Appn. Number: 10/040,210  
Applicants: Aoki, et al.  
Title: Apparatus, Method, and Computer Program Product for Plotting  
5 Proteomic and Genomic Data  
Examiner: N/A  
Art Unit: N/A

RECEIVED

MAY 29 2002

Hon. Assistant Commissioner of Patents and Trademarks  
10 Office of Petitions  
Washington, D.C. 20231

OFFICE OF PETITIONS

Sir:

In response to the Office Action mailed on February 7, 2002 and having a  
15 shortened statutory period for reply of two months, applicant responds as follows:

**NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION**

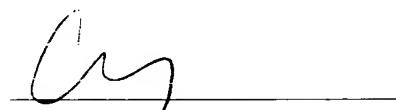
Applicant asserts that drawings were, in fact, provided with the original filing of this application, and that any error was due to handling difficulties at the USPTO. As evidence of the 20 proper original submission of the drawings, photocopies of both sides of the return-receipt postcard are enclosed herewith, as well as a copy of the drawings as originally submitted. Furthermore, should the Office of Petitions contend that the drawings were not submitted with the application. Applicant further contends that the drawings are not necessary for according this application with a filing date of January 2, 2002. To support this alternate contention, applicant 25 indicates that the invention has been claimed as a method, and Applicant further contends that the application inherently supports the drawings and will provide a detailed explanation regarding this contention. non-supported subject matter, if it exists, removed. This petition is submitted pursuant to 37 CFR 1.17(h), along with the requisite \$130.00 fee. Should this petition be granted, Applicant hereby requests a refund of the petition fee.

Applicant further notes that an additional \$42 is also enclosed to cover the deficiency noted in the Notice.

In addition, a one petition for a one-month extension of time is also enclosed, and a request for a refund of this fee is also requested, should the petition be granted. Applicant notes  
5 that Applicant is a small entity for purposes of this fee determination.

In the event the Petitions Officer reviewing this petition wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,

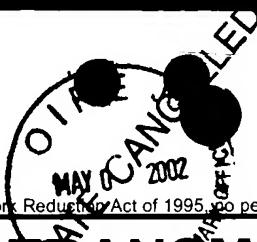


Cary Tope McKay  
Registration No. 41,350

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Tope-McKay & Associates  
15 23852 Pacific Coast Highway #311  
Malibu, Ca 90265  
Telephone No.: (310) 589-8158  
Fax: (310) 943-2736

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PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 227.00

## Complete if Known

Application Number	10/040,210
Filing Date	01/02/2002
First Named Inventor	Aoki
Examiner Name	N/A
Group Art Unit	N/A
Attorney Docket No.	BDI002

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	
Deposit Account Name	

Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

Applicant claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X =	
Claims	-3** =	X =	
Multiple Dependent		=	

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 42.00

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	55.00
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) Petition - 37CFR1.17(h)					130.00
*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$ 185.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 185.00

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type):	Cary Tope-McKay	Registration No. (Attorney/Agent):	41,350	Telephone:	(310) 589-8158
Signature				Date	05/03/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

MAY 06 2002

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*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$)
			185.00

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Carry Tope-McKay	Registration No. (Attorney/Agent)	41,350	Telephone	(310) 589-8158
Signature				Date	05/03/2002

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/040,210	01/02/2002	Kiyoko F. Aoki	BDI001

CONFIRMATION NO. 9004  
FORMALITIES LETTER

\*OC00000007439245\*

Tope-McKay & Associates  
23852 Pacific Coast Highway #311  
Malibu, CA 90265

Date Mailed: 02/07/2002

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- Total additional claim fee(s) for this application is \$42.
  - \$42 for 3 independent claims over 3 .
- The balance due by applicant is \$ 42.

*A copy of this notice MUST be returned with the reply.*

PART 2 - COPY TO BE RETURNED WITH RESPONSE